

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

In the matter of the Petition of  
LJL 33<sup>rd</sup> STREET ASSOCIATES, LLC,

Petitioner,

v.

PITCAIRN PROPERTIES, INC.,

Respondent.

Civil Action No. 11-cv-6399

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, respondent, Pitcairn Properties, Inc. ("Pitcairn"), hereby removes to this Court the action captioned *In the matter of the Petition of LJL 33rd Street Associates, LLC v. Pitcairn Properties, Inc.*, No. 652464 (the "State Court Action"), from the Supreme Court of the State of New York, County of New York.

**Background**

1. Petitioner, LJL 33<sup>rd</sup> Street Associates, LLC ("LJL"), commenced the State Court Action by filing a petition and order to show cause against Pitcairn on September 8, 2011. True and correct copies of the petition and exhibits thereto, a related affirmation, and an order to show cause are attached collectively hereto as Exhibits A - F. Pursuant to 28 U.S.C. § 1446(a), these constitute all process, pleadings and orders served upon Pitcairn in the State Court Action as of the filing of this Notice of Removal.

2. LJL sent copies of the petition to Pitcairn's counsel on September 8, 2011.

3. In the petition, as alleged, LJL seeks to confirm in part and vacate and remand in part an arbitration award.

**Diversity Of Citizenship Requirements Are Satisfied**

4. 28 U.S.C. § 1332(a)(1) provides:

The district courts [of the United States] shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between...citizens of different States.

5. The requirements of diversity jurisdiction are met here, as follows:

A. the amount in controversy, exclusive of interest and costs, exceeds \$75,000;

B. L JL is a limited liability company organized under the laws of the State of New Jersey with its principal place of business in the State of New Jersey and its members are citizens of the State of New Jersey and/or the State of New York;

C. Pitcairn is incorporated under the laws of the State of Pennsylvania with its principal place of business in the State of Pennsylvania and is a citizen of the State of Pennsylvania; and

D. Pitcairn is not a citizen of the state in which the State Court Action is brought, *see* 28 U.S.C. § 1441(b);

**This Notice Of Removal Has Been Timely Filed**

6. 28 U.S.C. § 1446(b) provides:

The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

7. The petition and related filings were received by Pitcairn's counsel via e-mail on September 8, 2011, and via Federal Express on September 9, 2011.

8. This Notice of Removal is filed within thirty days of the date of receipt of the petition by Pitcairn's counsel.

**Venue Is Proper In This Court**

9. Pursuant to 28 U.S.C. § 1441(a), venue is proper in this Court as this is the district embracing the place where the State Court Action is pending.

**Notice**

10. As required by 28 U.S.C. § 1446(d), the undersigned certifies that, promptly after this Notice of Removal is filed, written notice thereof shall be given to LJJ, and a copy of this Notice of Removal shall be filed with the clerk of the state court in which the State Court Action is pending.

WHEREFORE, removal of this action from state court to this Court is proper under 28 U.S.C. §§ 1332, 1441 and 1446.

Dated: September 9, 2011



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